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9 KAWASAKI KISEN KAISHA, LTD. and
10 "K" LINE AMERICA, INC.

11 UNITED STATES DISTRICT COURT
12
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 THE CONTINENTAL INSURANCE
16 COMPANY, a corporation,

17 Plaintiff,

18 vs.

19 KAWASAKI KISEN KAISHA, LTD.
20 D/B/A "K" LINE, a foreign corporation; "K"
21 LINE AMERICA, INC., a foreign
22 corporation; and DOE ONE through DOE
23 TEN,

24 Defendants.
25

26 CASE NO.: 07-cv-06148 WHA

27 DECLARATION OF SHERRY JOHNSON
28 IN SUPPORT OF DEFENDANTS
KAWASAKI KISEN KAISHA, LTD.'S
AND "K" LINE AMERICA, INC.'S
MOTION TO DISMISS PURSUANT TO
THE TOKYO DISTRICT COURT FORUM
SELECTION CLAUSE IN THE BILL OF
LADING

29 Date: April 17, 2008
30 Time: 8:00 a.m.
31 Location: 450 Golden Gate Ave.
32 San Francisco, CA
33 Courtroom 9, 19th Floor
34 Honorable William Alsup

DECLARATION OF SHERRY JOHNSON

I, Sherry Johnson, declare as follows:

1. I am the Manager of Compliance of "K" Line America, Inc. (hereinafter "KAM") in their office at 8730 Stony Point Parkway, Suite 400, Richmond, Virginia.

2. I make this Declaration on behalf of Kawasaki Kisen Kaisha, Ltd. (hereinafter "K" Line) and KAM in support of their motion to dismiss pursuant to the Tokyo District Court forum selection clause in the "K" Line bill of lading. I have personal knowledge of the facts set forth in this Declaration and for those facts stated to be on information and belief, I believe them to be true and correct. If called upon as a witness, I could and would competently testify thereto.

3. I have been employed as the Manager of Compliance of KAM for one year and was the Assistant Manager of Compliance for 8 years. In my capacity as Manager and Assistant Manager of Compliance, I am and have been responsible for handling and supervising all cargo claims filed against "K" Line in the United States and Canada. I am also familiar with the process for preparing and issuing bills of lading. Such bills of lading are kept in the regular course of business of "K" Line and KAM. No cargo is shipped without the issuance of a bill of lading. We rely upon such bills of lading for their truth and accuracy in the shipment of the cargo described therein.

4. "K" Line is an ocean carrier and exists under the laws of Japan with its headquarters and principal place of business in Tokyo, Japan.

5. KAM is a Michigan corporation with its principal place of business in Richmond, Virginia. KAM is the general agent of "K" Line in the United States. As general agent, KAM performs agency services for "K" Line in the United States including dispatching and receiving "K" Line's vessels, arranging for husbanding services and labor as may be required to load, stow and discharge "K" Line vessels, soliciting and booking cargo on behalf of "K" Line, issuing shipping documents of behalf of "K" Line, collecting freight, demurrage and other revenue for "K" Line and handling claims on behalf of "K" Line.

6. I am informed and believe that four containers said by the shipper, Kingsburg Orchards, to contain plums were received by "K" Line and loaded on the YM SUCCESS at

1 Oakland for carriage to Hong Kong pursuant to Waybill numbers KKLUS1542042,
2 KKLUS1541951, KKLUS1542123, and KKLUS15541953. The four containers were
3 container nos. KLFU5607909, KLFU5601048, KKFU6942533 and KLFU5961614. I am
4 informed and believe that the four containers were carried to Hong Kong and discharged there.

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6 I declare under penalty of perjury under the laws of the United States that the
7 foregoing is true and correct.

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Executed at Richmond, Virginia, this 12th day of March 2008.

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Sherry Johnson

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CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2008, a copy of the foregoing DECLARATION OF SHERRY JOHNSON IN SUPPORT OF DEFENDANTS KAWASAKI KISEN KAISHA, LTD.'S AND "K" LINE AMERICA, INC.'S MOTION TO DISMISS PURSUANT TO THE TOKYO DISTRICT COURT FORUM SELECTION CLAUSE IN THE BILL OF LADING was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 13, 2008

/s/ Alan Nakazawa
Alan Nakazawa